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C O N F I D E N T I A L STATE 128805

E.O. 12356: DECL: OADR

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SUBJECT: UN HUMAN RIGHTS COMMISSION: SPECIAL SESSION ON
SUBJECT:A

REF: (A) 94 GENEVA 4478

1. (CONFIDENTIAL - ENTIRE TEXT.)

2. THIS IS AN ACTION CABLE. SEE PARAS 8 - 15.

3. DEPT. APPRECIATES MISSION'S RECOMMENDATIONS REGARDING

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THE UNHRC'S SPECIAL SESSION ON RWANDA, WHICH WE NOW UNDERSTAND HAS GARNERED THE NECESSARY SUPPORT OF A MAJORITY OF THE COMMISSION MEMBERS.

4. OUR IMMEDIATE GOALS FOR UN INTERVENTION ARE TO STOP THE KILLING OF INNOCENT CIVILIANS AND TO SECURE A CEASE-FIRE BETWEEN THE RPF AND THE RWANDAN GOVERNMENT FORCES SO THAT DIALOGUE ON IMPLEMENTATION OF THE ARUSHA PEACE ACCORD CAN RESUME. THE TWO OBJECTIVES ARE CLOSELY LINKED; ACHIEVING ONE WILL HELP ACHIEVE THE OTHER. ASSURANCES TO BOTH SIDES THAT AN IMPARTIAL PROCESS WILL BE ESTABLISHED TO INVESTIGATE REPORTED HUMAN RIGHTS

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VIOLATIONS COULD BE AN IMPORTANT FACTOR IN OBTAINING AGREEMENT TO A CEASE-FIRE.

5. WITH A CEASE-FIRE IN PLACE, OR AS AREAS OF THE COUNTRY BECOME SECURE, A SPECIAL RAPPORTEUR AND MONITORS

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APPOINTED BY THE UNHRC OR BY THE HIGH COMMISSIONER FOR HUMAN RIGHTS COULD ENTER THE COUNTRY TO INVESTIGATE AND DOCUMENT HUMAN RIGHTS VIOLATIONS AND, THROUGH THEIR PRESENCE, PERHAPS DETER FURTHER KILLING. ANY FURTHER STEPS, SUCH AS THE ESTABLISHMENT OF A MECHANISM AGAINST KNOWN VIOLATORS WOULD BE A SUBJECT FOR NEGOTIATION BETWEEN THE RWANDAN PARTIES WITHIN THE ARUSHA PROCESS.

6. TO ENSURE THAT THE SPECIAL RAPPORTEUR AND THE MONITORS CAN REMAIN FOCUSED ON THE IMMEDIATE TASK, THEIR MANDATE AND INSTRUCTIONS SHOULD BE LIMITED TO HUMAN RIGHTS VIOLATIONS REPORTED SINCE THE OUTBREAK OF WIDESPREAD ETHNIC VIOLENCE FOLLOWING THE APRIL 6 AIRPLANE CRASH. BECAUSE TIME IS OF THE ESSENCE IF EVIDENCE OF MANY VIOLATIONS IS TO BE PRESERVED, DEADLINES SHOULD BE ESTABLISHED FOR THE APPOINTMENT OF MONITORS, THEIR ARRIVAL IN RWANDA, AND THE PREPARATION OF THE REPORT OF THE SPECIAL RAPPORTEUR. THE POSSIBILITY OF A LONGER-TERM HUMAN RIGHTS MONITORING EFFORT SHOULD ALSO BE CONSIDERED.

7. THE ABILITY OF THE SPECIAL RAPPORTEUR AND THE MONITORS TO DO THEIR WORK WILL DEPEND ON THE CONSENT OF THE RWANDAN PARTIES, BUT BOTH SIDES HAVE INDICATED A DESIRE

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THAT HUMAN RIGHTS VIOLATORS BE HELD ACCOUNTABLE. THE SUCCESS OF THE MONITORING EFFORT IS ALSO CONTINGENT UPON THE ABILITY TO OPERATE THROUGHOUT THE COUNTRY, WHICH MEANS THAT ADEQUATE SECURITY WILL HAVE TO BE PROVIDED FOR THE MONITORS WHERE NECESSARY, AND ON THE WILLINGNESS OF UN AND COMMISSION MEMBERS TO PROVIDE SUFFICIENT RESOURCES FOR THE SPECIAL RAPPORTEUR AND THE MONITORS. WE ARE

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LOOKING AT THE POSSIBILITY OF MAKING A VOLUNTARY CONTRIBUTION FOR HUMAN RIGHTS MONITORS IN RWANDA.

8. IN THE CONTEXT OF PARAS 4 - 7 ABOVE, DEPT. SUPPORTS MISSION'S RECOMMENDATIONS (PARA 13, REFTEL) REGARDING DRAFT RESOLUTION ELEMENTS AS AN OUTCOME OF THE SPECIAL SESSION.

9. HOWEVER, WE WOULD LIKE TO MAKE THE FOLLOWING OBSERVATIONS: WITH REGARD TO SUGGESTION (REFTEL, PARA 3) THAT A SPECIAL RAPPORTEUR OR A TEAM OF EXISTING THEMATIC RAPPORTEURS VISIT AND INVESTIGATE HUMAN RIGHTS VIOLATIONS

IN RWANDA, DEPT. WOULD PREFER TO COMBINE THE TWO MECHANISMS, MUCH IN THE WAY DEVELOPED BY THE SPECIAL RAPPORTEUR ON THE FORMER YUGOSLAVIA. THIS COMBINATION WOULD ALLOW USE OF THE EXISTING MACHINERY, WHILE UNDERSCORING THE SERIOUSNESS OF THE SITUATION BY NAMING A SPECIAL RAPPORTEUR. WE ENVISION CALLING FOR A PRELIMINARY REPORT TO THE COMMISSION AND TO THE HIGH COMMISSIONER WITHIN TWENTY-ONE DAYS, AN INTERIM REPORT TO THE UNGA, AND A FINAL REPORT TO THE COMMISSION AT ITS 1995 SESSION.

10. DEPARTMENT SUPPORTS NOTION OF HOLDING INDIVIDUALS ACCOUNTABLE FOR CRIMES THEY HAVE COMMITTED. HOWEVER, MISSION SHOULD BE CAUTIOUS ABOUT SUPPORT FOR ANY PARTICULAR MECHANISM; FOR EXAMPLE, ANY INTERNATIONAL TRIBUNAL OF THE SORT ESTABLISHED BY THE SECURITY COUNCIL FOR YUGOSLAVIA IS A COMPLEX AND CONTROVERSIAL OPTION WHICH AT THIS POINT THE USG DOES NOT SUPPORT.

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11. WITH REGARD TO PARA 13, REFTEL REFERENCE TO "A REQUEST THAT THE SYG OR HCHR CONVEY THE RESULTING REPORT TO THE SECURITY COUNCIL," DEPT. REFERS THE FORMULA USED IN PARA 15 OF RES. S-1-1 FROM THE FIRST SPECIAL SESSION ON YUGOSLAVIA. THIS PROVIDED, IN EFFECT, THAT THE SPECIAL RAPPORTEUR SHOULD REPORT FINDINGS TO MEMBERS OF THE COMMISSION PERIODICALLY UNTIL ITS NEXT REGULAR SESSION, REPORT TO THE UNGA, TO THE UNHRC, AND REQUEST THE SYG TO MAKE THE REPORTS AVAILABLE TO THE SECURITY COUNCIL.

12. AS TO SUGGESTION IN PARA 4, REFTEL, THAT IT WOULD BE PREFERABLE FOR AYALA LASSO TO APPOINT MONITORS ON HIS OWN AUTHORITY AS A MEANS OF STRENGTHENING HIS MANDATE, WE THINK THAT HAVING CALLED FOR A SPECIAL SESSION, THE HIGH COMMISSIONER MIGHT HAVE DIFFICULTY JUSTIFYING NOT GOING THE THE COMMISSION FOR AUTHORIZATION FOR MONITORS, PARTICULARLY SINCE THE FUNDING NEEDS ARE LIKELY TO BE EXTENSIVE. HOWEVER, IF A WAY COULD BE FOUND FOR THE HCHR TO BEGIN THE PROCESS OF ESTABLISHING MONITORS AND RECEIVE UNHRC ENDORSEMENT, WE WOULD NOT BE OPPOSED.

13. REFTEL, PARA 13, RAISED THE ISSUE OF HUMAN RIGHTS ELEMENTS TO BE INCLUDED IN ANY FORTHCOMING UN OPERATION IN RWANDA. IT SEEMS LIKELY THAT THERE WOULD BE A NEED FOR CLOSE COOPERATION WITH UN FORCES ON THE GROUND IN RWANDA FOR BASIC PROTECTION. ANY FURTHER STEPS TAKEN BY THE SPECIAL SESSION WOULD NEED TO BE COORDINATED CLOSELY WITH NEW YORK AND REFLECT ANY RESOLUTION PASSED PRIOR TO

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THE SPECIAL SESSION.

14. MISSION ALSO REFERRED (REFTEL, PARA 16) TO THE POSSIBILITY OF ADDING BURUNDI TO THE AGENDA OF THE SPECIAL SESSION. DEPT. CONCURS IN MISSION RECOMMENDATION TO DEAL WITH THIS ISSUE DISCRETELY, AND TO BE GUIDED BY THE WISHES OF THE AFRICAN GROUP.

15. WITH REGARD TO THE ISSUE OF GENOCIDE, AT THIS POINT THE USG DOES NOT HAVE A FORMAL POSITION AS TO WHETHER GENOCIDE HAS TAKEN PLACE. THEREFORE, PENDING FURTHER GUIDANCE, MISSION WILL NEED TO BE CIRCUMSPECT ABOUT THIS ISSUE. IT WOULD BE HELPFUL TO OUR OWN DELIBERATIONS TO

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HAVE A BETTER SENSE OF THE EXTENT AND SOURCE OF PRESSURE
TO DECLARE RWANDA A GENOCIDE SITUATION.

16. DEPT. IS VETTING NAMES OF CANDIDATES FOR THE SPECIAL RAPPORTEUR AND WOULD APPRECIATE ANY INFORMATION REGARDING POSSIBLE CANDIDATES BEING CONSIDERED IN GENEVA. WE WOULD ALSO APPRECIATE INFORMATION REGARDING THE EXTENT OF CANADIAN CONTACTS WITH THE OAU, EITHER WITH REGARD TO POSSIBLE CANDIDATES, AFRICAN INTEREST IN THE SPECIAL SESSION (PARTICULARLY SINCE SO FEW AFRICANS HAVE ENDORSED THE SPECIAL SESSION TO DATE), AND THE POSSIBILITY OF OAU CONTRIBUTIONS, BOTH FINANCIAL AND HUMAN, TO THE HUMAN RIGHTS MONITORS. DRAFTING OF THE USG SPEECH IS UNDERWAY.

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